

ARTICLE XV

Rules And Definitions

15.1 RULES

- 15.11 Words used in the present tense shall include the future; and words used in the singular number shall include the plural number, and the plural the singular; where the context requires.
- 15.12 The word “shall” is mandatory and not discretionary.
- 15.13 The word “may” is permissive.
- 15.14 The word “lot” shall include the words “piece,” “parcel,” and “tract”; and the phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- 15.15 All measured distances shall be to the nearest integral foot; if a fraction is one-half (½) foot or less, the integral foot next below shall be taken.
- 15.16 Any words not defined as follows shall be construed in their general accepted means as defined in the most recent publication of Webster’s dictionary.
- 15.17 The words and terms, set forth herein under “Definitions” wherever they occur in this Ordinance, shall be interpreted as herein defined.

15.2 DEFINITIONS

Abandonment - An action to give up one’s rights or interests in property.

Abuts, abutting - To have a common property line or district line.

Accessory building or use - An “accessory building or use” is one which:

1. Is subordinate to and serves a principal building or principal use;
2. Is subordinate in area, extent or purpose to the principal building or principal use served;
3. Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and

An “accessory use” includes but is not limited to the following:

1. A children’s playhouse, garden house, gazebo and private greenhouse;
2. A garage, shed or building for domestic storage;
3. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations;
4. Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities, unless such storage is excluded by the district regulations;
5. Incinerators incidental to residential use;
6. A non-paying guest house or rooms for guests within an “accessory building” provided such facilities are used for the occasional housing of guests of the occupant of the principal building and not for permanent occupancy by others as housekeeping units;
7. Servant’s quarters comprising part of an accessory garage and solely for occupancy by a servant or household employee (and his or her family) of the occupants of the principal dwelling;
8. Swimming pool, private, for use by the occupant and his guests;
9. Off-street motor car parking areas, and loading and unloading facilities;
10. Signs (other than advertising signs) as permitted and regulated in each district incorporated in this Ordinance;
11. Carports;
12. Public utilities - telephone, electric, gas, water and sewer lines, their supports and incidental equipment.

Acreage - Any tract or parcel of land which has not heretofore been subdivided or platted.

Adult Book Stores - Any establishment having as a substantial portion of its stock in trade, books, magazines, films for sale or viewing on premises by use of motion picture devices or any other coin-operated means, and other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual activities or related anatomical areas or an establishment with a large segment or section devoted to the sale or display of such sexually explicit material.

Adult Motion Picture Theater - An enclosed building with a capacity of fifty (50) or more persons used for presenting motion pictures having as a dominant theme, material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities (specifically X, XX, and XXX rated movies) or related anatomical areas for observation by patrons therein.

Adult Mini Motion Picture Theater - An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities (i.e. X, XX and XXX rated material) and related anatomical areas, for observation by patrons therein.

Adult Entertainment Cabaret - A public or private establishment which features or desires to feature topless dancers, strippers, male or female impersonators, or similar entertainers. Strippers shall include dancers or performers, either male or female, who are attired in such a manner as to expose to view any portion of the pubic area, genitals, or buttocks, and shall also include the performance of dancers, either male or female, who are attired in such a manner that they are entirely topless.

Adult Massage Establishment - Any establishment having a fixed place of business where any person, firm, association or corporation engages in, or carries on, or permits to be engaged in or carried on any activities known as massage (any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or other parts of the human body or with the aid of any mechanical or electrical apparatus or appliance with or without supplementary aids or rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice), except for health and recreational facilities and clubs which contain ten thousand (10,000) square feet of enclosed and finished space equipped for exercise rooms, gymnasiums, tennis courts, racquet ball courts, swimming pools or similar uses directly related to and used in exercising the human body and which establishment does not derive more than five percent (5%) of its yearly income from massage services.

Adult Body Shop or Model Studio - Any public or private establishment which describes itself as a body shop or model studio, or where for any form of consideration or gratuity, figure models who display sexually oriented anatomical area are provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by persons paying such consideration or gratuity, nude and seminude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities and related anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity. Excluded from this definition would be recognized art courses which as a portion of their instruction include drawing, painting, sculpting or photographing a model.

Agriculture - Land, or land, buildings and structures, the principal use or uses of which is growing of farm or truck garden crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiculture, aquiculture, nurseries (fauna), wholesale greenhouses, forestry, or animal or poultry husbandry, and accessory uses customarily incidental to agricultural activities including but not limited to the farm dwelling, dwellings for tenants and full-time hired farm workers and the dwellings or lodging rooms for seasonal workers.

Airport, heliport - Any area of land or water which is used or intended for the landing and take-off of aircraft, together with all structures, tie down, storage and parking located thereon.

Alley - A right-of-way which affords a secondary means of vehicular access to abutting properties.

Alteration - A change in size, shape, occupancy or use of structure.

Animal Hospital - A structure or portion thereof designed or used for the care, observation or treatment of domestic animals.

Apartment - A room or suite of rooms in a multiple family structure, which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen, bath and toilet facilities permanently installed, must always be included for each apartment.

Apartment, Hotel - A building containing dwelling units or individual guest rooms, the majority of which are for permanent guests. Maid and janitor service may be provided but kitchen facilities are not necessarily included.

Auditorium - A room, hall or building made a part of a church, theater, school, recreation building or other buildings assigned to the gathering of people as an audience to hear lectures, plays and other presentations.

Automobile Repair (Major) - Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service including body, frame or fender straightening or repair and painting of vehicles.

Automobile Repair (Minor) - Incidental repairs, replacement of parts and motor service to automobiles, but not including any operation specified under "automobile repair, major."

Basement - A story partly or wholly underground. Where more than one-half (1/2) of its height is above the established curb level or above the average level of the adjoining ground where the curb level has not been established, a basement shall be counted as a story for purposes of height measurement.

Bed and Breakfast Establishment - An operator-occupied residence providing accommodations for a charge to the public with no more than five (5) guest rooms for rent, in operation for more than ten (10) nights in a twelve (12) month period. Only breakfast may be provided to the guests only. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.

Block - A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines of municipalities.

Boarding House (Rooming or Lodging House) - A residential building, or portion thereof - other than a motel, apartment hotel, or hotel - containing lodging rooms for accommodations of three (3) or more persons who are not members of the keeper's family and where lodging or meals or both are provided by prearrangement and for definite periods, at a definite prearranged price.

Building - Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, materials or movable property of any kind and which is permanently affixed to the land.

Building Height - The vertical distance from grade to the highest point of the roof . Chimneys, towers, spires, elevator penthouses, cooling towers, cupolas and similar projections other than signs shall not be included in calculating building height.

Building Line - The line nearest the front of and across a zoning lot, establishing the minimum open space to provide between the front line of a building or structure and the street right-of-way line.

Bulk - The term used to indicate the size and setbacks of buildings or structures and location of the same with respect to one another and including the following:

1. Size and height of buildings;
2. Location of exterior walls at all levels in relation to lot lines, streets or other buildings;
3. Gross floor area of buildings in relation to lot area (floor area ratio);

4. All open spaces allocated to the buildings;
5. Amount of lot area per dwelling unit;
6. Required parking areas.

Bus Garage - Any building used or intended to be used for the storage of passenger motor buses or motor coaches used in transportation, including school buses.

Bus Lot - Any lot or land area used for the storage or layover of passenger buses or motor coaches, including school buses.

Business Establishment - A structure or lot used in whole or in part as a place of business, the ownership or management of which is separate and distinct from the ownership or management of any other place of business located on the same or other lot.

Cabin or Cottage - A dwelling unit designed for temporary or seasonal occupancy that is not used for more than six (6) months in any given year.

Camps or Campgrounds - Tracts of land of a design or character suitable for and used for seasonal, recreational, and other similar living purposes. The tracts may have located on them a structure of a seasonable, temporary, or movable nature, such as a cabin, hunting shelter, or tent.

Car Wash - A building or portion thereof, where automobiles are washed with the use of mechanical devices. A structure where water and cleaning facilities are provided for customers to wash their own vehicles. Passenger cars and trucks of not more than one and one half (1 ½) tons capacity are permitted.

Clinic - A medical center or medical clinic is an establishment where three (3) or more licensed physicians, surgeons, or dentists engage in the practice of medicine or dentistry, operating on a group or individual basis with pooled facilities, such as coordinated laboratory, X-ray and allied departments, and the diagnosis and treatment of humans, which need not, but may include a drug prescription center (not a drug store) for the dispensing of drugs and pharmaceutical products to the patients of said physicians, surgeons and dentists.

Club or Lodge (Private) - A non-profit association of persons who are bona fide members and whose facilities are restricted to members and their guests. Food and alcoholic beverages may be served on its premises provided they are secondary and incidental to the principal use.

Compost - The humus-like product of the process of composting waste, which may be used as a soil conditioner (Act, 1994).

Composting - The biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost (Act, 1994).

Comprehensive Plan - The extensively developed and evolving plan, also called a master plan, adopted by the County Planning Commission.

Conditional Use (Special Uses) - Conditional Uses are synonymous with Special Uses and may include but are not limited to public and quasi-public uses affecting the public interest, uses that may have unique, special, or unusual impact upon the use or enjoyment of neighboring property, and planned developments. A use may be a permitted use in one (1) or more zoning districts and a special use in one (1) or more other zoning districts. Compliance with special standards not necessarily applicable to other permitted uses or uses in the district, may be required for a Conditional Use.

Confinement Feeding Lots - Confinement feeding is characterized in two ways:

1. Maintaining animals on a solid material or slats (wood, concrete, blacktop, etc.) making manure disposal possible.
2. Maintaining animals on the ground in such numbers and in such areas that a vegetative cover cannot be maintained on the ground.

Conservation - The protection, use, maintenance, and improvement of the land and water resources of Bureau County in serving both private and public interests, by providing adequate food, fiber, forest products, recreation, and wildlife resources, now and in the future. (Illinois Soil and Water Conservation Needs Inventory, 1970).

Consumer Service - Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience. For example, consumer services include the provision of the personal services such as beautician and barbering services, the provision of lodging, entertainment, specialized instruction, financial services, transportation, laundry and dry cleaning services, and all other similar services.

Conforming Structure - A structure which:

- (a) Complies with all the regulations of this Ordinance or of any amendment thereto governing bulk of the district in which said structure is located; or
- (b) Is designed or intended for a permitted or special permitted use as allowed in the district in which it is located.

Contiguous - In actual contact.

Convalescent Home - Nursing home.

County - The County of Bureau, Illinois.

County Board - Bureau County Board.

County Clerk - The Clerk of Bureau County, Illinois.

County Engineer - The County Superintendent of Highways or a professional engineer, registered in the State of Illinois, who has been duly appointed as the County Engineer of the County of Bureau, or who has been hired by the County as its consulting engineer.

Cropland - Land that has been used for feed grains or small grains.

Deck - A flat floored, roofless area attached to or near a dwelling. The deck must meet all setback requirements of the principal structure if the deck is contiguous to the principal structure.

Development - The division of a parcel of land into two (2) or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required.

Disability - Any individual whose disability:

1. Is attributable to mental, intellectual or physical impairments or a combination of mental, intellectual or physical impairments; and
2. Is likely to continue for a significant amount of time or indefinitely; and

3. Results in functional limitations in three (3) or more of the following areas of major life activities:
 - a. self care;
 - b. receptive or expressive language;
 - c. learning;
 - d. mobility;
 - e. self direction;
 - f. capacity for independent living;
 - g. economic self-sufficiency; and
4. Reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of a life-long or extended duration.

Drainage - The removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

Dwelling - A building or portion thereof designed or used exclusively as a residence or sleeping place, but not including boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

Attached Dwelling - A dwelling joined to other dwellings by party walls or vertical cavity walls, and above ground physically unifying horizontal structural elements.

Detached Dwelling - A dwelling which is surrounded on all sides by open space on the same lot.

Efficiency Unit - A dwelling unit consisting of one (1) principal room, but which shall include a bathroom, kitchen, hallway, closets or dining alcove directly off the principal room.

Semi-Detached Dwelling - A dwelling joined to one (1) other dwelling by a party wall, or vertical cavity wall and above ground physically unifying horizontal structural elements.

Single Family Dwelling - A dwelling containing one (1) dwelling unit in a detached building unless otherwise specified,

Two Family Detached Dwelling - A dwelling containing two (2) dwelling units.

Multiple-Family Dwelling - A building or portion thereof containing three (3) or more dwelling units.

Dwelling Unit - One (1) or more rooms which are arranged, designed, or used as living quarters for one (1) family only. Individual bathrooms and complete single kitchen facilities permanently installed to serve the entire family, shall always be included within each "dwelling unit."

Family- Either: (a) One (1) person or two (2) or more persons, each related to the other by blood, marriage, or adoption, together with usual domestic servants and not more than one (1) bona fide guest, all living together as a single housekeeping unit and using common kitchen facilities (that is, a related family); or (b) four (4) or fewer persons, all of whom are not necessarily related to each of the others by blood, marriage, or adoption, all living together as a single housekeeping unit and using common kitchen facilities (that is, an unrelated family). For purposes of this Zoning Ordinance, however, an unrelated family shall not include persons living together in a Residential-Care Home or Nursing Home.

Farm - For the purpose of enforcement, any area containing twenty (20) acres or more of agricultural land will be defined as a farm.

Farmstead - Existing parcels of real estate where presently or formerly there existed a farmstead single family dwelling, including garages and utility buildings.

Fence - A structure, tree or shrub hedge which is a barrier and used as a boundary or means of protection or confinement.

Flood Crest Elevation - The elevation of the highest flood level that has been or may be subsequently designated by the County Engineer.

Flood Plain Area - That continuous area adjacent to a stream or stream bed or any storm water retention area and its tributaries, whose elevation is equal to or lower than the flood crest elevation including land also having an elevation higher than flood crest elevation but less than ten (10) acres in area and surrounded by land in a flood plain area or an area of such elevation accomplished by land fill projecting into a flood plain area.

Flood Table Land - The contiguous land area adjacent to the flood plain, the elevation of which is greater than the flood base elevation by two (2) feet or less.

Floor Area - The sum of the gross horizontal areas of the several floors of a building or structure, measured from the exterior faces of the exterior walls, or from the center lines of walls separating two (2) buildings or structures. The horizontal area of a basement or cellar floor and attached accessory structures are not included. The “floor area” of structures used for bulk storage of materials, such as grain elevators and petroleum tanks shall also be included in the “floor area” and such “floor area” shall be determined on the basis of the height of such structures, with one (1) floor equal to each ten (10) feet of height. An extra five (5) feet or greater, shall be construed to be an additional floor.

Floor Area (For determining off-street parking and off-street loading requirements) - “Floor area” when prescribed as the basis of measurement for off-street parking spaces and off-street loading spaces for any use shall be the sum of the gross horizontal areas of the several floors of the building or structure, excluding areas used for accessory off-street parking facilities and the horizontal areas of the basement and cellar floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

Floor Area Ratio - The numerical value obtained by dividing the “floor area” within a building or structure on a lot, by the area of such lot. The floor area ratio as designated for each district when multiplied by the lot area in square feet shall determine the maximum permissible “floor area” for the building or structure on the lot.

Frontage - All the property fronting on one (1) side of a street between the nearest intersecting streets or between a street and a right-of-way, waterway, or other similar barrier.

Garage (private) - An accessory building designed and used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory and in which no occupation or business for profit is carried on. Not more than one (1) of the motor vehicles may be a commercial vehicle of not more than three thousand (3,000) pound payload. If the garage is attached to the principal dwelling, it is not considered an accessory building and must meet all the setback requirements of the principal dwelling.

Garage (public) - A building or portion thereof other than a private or storage garage, designed or used for equipping, servicing or repairing motor vehicles. Hiring, selling or storing of motor vehicles may be included.

Garage (storage or off-street parking) - A building or portion thereof designed or used or land used exclusively for storage of motor vehicles, and in which motor fuels and oils are not sold and motor vehicles are not equipped, repaired, hired or sold.

Grade - The established grade of the street or sidewalk. Where no such grade has been established, the grade shall be the elevation of the sidewalk at the property line. Where no sidewalks exist, the grade shall be the average elevation of the street adjacent to the property line, except in cases of unusual topographic conditions as determined by the County Engineer. The grade shall be the average elevation of the finished surface of the ground adjoining the exterior walls of a building or at the base of the structure.

Gross Density - The ratio between total number of dwelling units on a lot and total lot area in acres.

Guest House - Living quarters within a detached accessory building located on the same premises with the principal building for use by temporary guests of the occupants of the premises. Such quarters shall have no kitchen facilities nor be rented or otherwise used as a separate dwelling.

Home Occupation - Any business or profession carried on by a member of the immediate family residing on the premises, in connection with which; (a) there are no signs, other than a permitted nameplate when attached to a principal building, and no activity that will indicate from the exterior that the building is being used in whole or in part for any purpose other than that of a dwelling; (b) there are no commodities sold, or services rendered that require receipt and delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by first class mail; (c) there is no more than one (1) person other than one (1) additional member of the immediate family residing on the premises so employed or otherwise so engaged; and (d) there are no accessory buildings used in whole or in part.

Hospital or Sanitarium - An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care for not less than twenty-four (24) hours in any week, of three (3) or more non-related individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions.

Hotel, Motel, Inn or Auto Court - An establishment containing lodging accommodations designed for use by transients or travelers or temporary guests. Facilities provided may include kitchen, maid service, laundering of linen used on the premises, telephone and secretarial or desk service, meeting rooms, restaurants, cocktail lounges and other ancillary uses customarily incidental to such use.

IDPH - The Illinois Department of Public Health, Peoria, Illinois.

IDOT - The Illinois Department of Transportation, Dixon, Illinois.

IEPA - The Illinois Environmental Protection Agency, Water Pollution Control Board, Rockford, Illinois; Air Pollution Control Board, LaSalle, Illinois; Land Pollution Control Board, Rockford, Illinois; and Department of Public Water Supply, Rockford, Illinois; and Noise Pollution Control Board, Maywood, Illinois.

Junkyard - Any land or structure used for a salvaging operation, including, among other things, the storage and sale of waste paper, rags, scrap metal, and discarded materials, and the collecting, dismantling, storage and salvaging of unlicensed, inoperative vehicles. Three (3) or more inoperative or unlicensed mobile units, or former mobile units, in close proximity to each other constitutes a junkyard.

Kenel - Any premises or portions thereof on which four (4) or more dogs, cats, or other household domestic animals over four (4) months of age are kept, or on which more than two (2) such animals are maintained, bred, or cared for, for remuneration, or sale.

Laboratory (commercial) - A place devoted to experimental study such as testing and analyzing. Manufacturing, assembly or packaging of products is not included within this definition.

Laboratory (research) - A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Landowner - Any individual, firm, or corporation having a possessory interest entitled to exclusive possession in land, or several such owners acting jointly.

Landscape Waste - All accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines, and trees (415 ILCS 5/3.20).

Landscape Waste Composting Facility - An establishment for the composting of waste materials accumulated as the result of the care of lawns, shrubbery, vines and trees and not accessory to the pursuit of agriculture.

Launderette - A business that provides coin-operated self-service type washing, drying, dry cleaning and ironing facilities, provided that:

- (a) Not more than four (4) persons, including owners, are employed on the premises; and
- (b) No pick-up or delivery service is maintained.

Loading and Unloading Space or Berth (off-street) - An open, hard-surfaced area of land other than a street or a public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers, to avoid undue interference with public streets and alleys. Such space shall not be less than ten (10) feet in width, thirty-five (35) feet in length, and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.

Lodging House - A building designed for and used as a single or two (2) family dwelling, all or a portion of which contains lodging rooms which accommodate persons who are not members of the keeper's family. Lodging or meals are provided for compensation for three (3) or more but not more than ten (10) persons.

Lodging Room - A room or suite of rooms rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one (1) "lodging room" for the purpose of this Ordinance.

Lot - A parcel or tract of land, whether legally described or subdivided as one (1) or more lots or parts of lots, located within a single block; and which is occupied by, or intended for occupancy by, one (1) principal building or principal use together with any accessory buildings and such open spaces as required by this Ordinance and having its principal frontage upon a street or public way.

Lot Area - The area of a horizontal plane bounded by the front, side and rear lines of a lot.

Corner Lot - A lot of which at least two (2) adjacent sides abut for their full length upon streets, provided that the interior angle at the intersection of such two (2) sides is less than one hundred and thirty-five (135) degrees.

Lot Coverage - The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot Depth - The average horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

Double Frontage Lot - A lot having a pair of opposite lot lines along two (2) more or less parallel streets, and which is not a corner lot. Both street lines shall be deemed front lot lines.

Interior Lot - A lot that is not a corner lot.

Lot Line - A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.

Front Lot Line - The boundary of a lot abutting a street. The lot line with the shortest dimension shall be considered the front lot line.

Interior Lot Line - A lot line which does not abut a street.

Rear Lot Line - An interior lot line which is most distant from and is almost parallel to the front lot line and in the case of an irregular, or triangular shaped lot, a line ten (10) feet in length within the lot which is parallel to and at maximum distance from the front lot line.

Reversed Corner Lot - A corner lot, the street side, side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

Side Lot Line - Any boundary of a lot which is not a front lot line or a rear lot line.

Lot Width - The minimum horizontal distance between the side lot lines of a lot measured at the narrowest width within the buildable area.

Lot Of Record - A "lot of record" is an area of land designated as a lot on a plat of subdivision recorded or registered, pursuant to Statute, with the Recorder of Bureau County, Illinois.

Maintenance - The routine upkeep of a structure or equipment including the replacement or modification of structural components of equipment in order to keep them unimpaired and in operable condition.

Manufacture - The making of anything by any agency or process.

Manufacturing Establishment - An establishment, the principal use of which is manufacturing, fabricating, processing, assembling, repairing, storing, cleaning, servicing, or testing of materials, goods or products.

Marquee or Canopy - A roof-like structure of a permanent nature which projects from the wall of a building.

Mobile Home - Any vehicle or similar portable structure designed, used or so constructed as to permit its being used as a conveyance upon the public streets and to permit the year-round occupancy thereof for one (1) or more persons. All mobile homes must conform to H.U.D. building regulations.

Mobile Home Park - A plot or tract of land designed to accommodate twenty (20) or more mobile homes on a minimum tract of ten (10) acres.

Modular Home - Any home brought to the site in two (2) or more sections and assembled on a permanent foundation. Modular homes must meet B.O.C.A. requirements and have the State of Illinois seal.

Motor Vehicle Sales, Semi Trailer Sales, Livestock Trailer Sales, Recreational Vehicle Sales, and Recreational Trailer Sales - An open area other than a street, used for the display or sale of new or used motor vehicles or trailers, and where no repair work is done except for minor incidental repair of motor vehicles or trailers to be displayed and sold on the premises.

Nonconforming Structure - A building or structure or portion thereof lawfully existing at the time of adoption of this Ordinance, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the district in which it is located.

Nonconforming Use - A use which lawfully occupied a building or land at the time of adoption of this Ordinance and which does not conform with the use regulations of the district in which it is located.

Nuisance - For the purposes of this Ordinance, the word “nuisance” is hereby defined as any person or corporation doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition, or thing, either:

- (1) Injures or endangers the comfort, repose, health, or safety of others; or
- (2) Offends decency; or
- (3) Interferes with, obstructs, or tends to obstruct, or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch, or drainageway; or
- (4) In any way renders other persons insecure in life or the use of property; or
- (5) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

Nursery School - An establishment for the part-time care of five (5) or more children (at any time) of pre-elementary school age in addition to the members of the family residing therein.

Nursing Home, Convalescent Center, Rest Home, or other similar institutions - A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

Odorous Matter - Material, gas, liquid or solid that yields an odor.

Odor Threshold - The minimum concentration of odorous matter in the air that can be detected as an odor.

Off-Street Parking Area or Lot - Land which is improved and used or a structure which is designed and used exclusively for the storage of passenger motor vehicles, either for accessory off-street parking spaces or commercial off-street parking spaces when permitted herein by district regulations.

Open Sales Lot - Land used or occupied for the purpose of buying, selling or renting merchandise stored or displayed out-of-doors prior to sale. (Such as automobiles, trucks, motor scooters, motorcycles, boats, trailers, garages, snowmobiles or other commodities.)

Parking Space - A graded all-weather surface area of not less than one hundred and eighty (180) square feet in area, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

Party Wall - A common wall which extends from its footing below grade to the underside of the roof and divides the building.

Performance Standards - A criterion established to control smoke and particulate matter, noise, odorous matter, toxic matter, vibration, fire and explosion hazards, glare and radiation hazards generated by or inherent in uses of land or buildings. (See “Performance Standards: Environmental Definitions”, Page 134).

Planned Development - A parcel or tract of land, initially under single ownership or control, which contains two (2) or more principal buildings and one (1) or more principal uses, planned and constructed as a unified development.

Planning Commission - Bureau County Planning Commission.

Railroad Right-Of-Way - A strip of land containing railroad tracks and auxiliary facilities for track operations, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.

Recycling Center - A facility that accepts only segregated, nonhazardous, nonspecial, homogeneous, nonputrescible materials, such as dry paper, glass, cans or plastics, for subsequent use in the secondary materials market (415 ILCS 5/3.81).

Refuse - All waste products resulting from human habitation, except sewage.

Research Laboratory - A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture, or sale of products, except as incidental to the main purpose of the laboratory.

Residence or Residential Area - A single family dwelling, a farm home, a farmstead, a multi-family dwelling, a modular home, an earth-sheltered home, a mobile home, an apartment.

Residential-Care - Maintenance (room and board) and oversight (general watchfulness and appropriate services to meet needs of residents, including, but not limited to social, recreational and employment opportunities).

Residential-Care Home - Any living quarters wherein unrelated individuals are provided residential care. A residential care home does not include a nursing home, hospital, adult day center or living quarters which serve persons as an alternative to incarceration for a criminal offense.

Small Residential-Care Home - A Residential-Care Home for four (4) persons or fewer, plus supervisory or oversight personnel, living together as a single housekeeping unit for the primary purpose of providing shelter in a family-like atmosphere as part of the residential community.

Large Residential-Care Home - A Residential-Care Home for five (5) to ten (10) persons, plus supervisory or oversight personnel, living together as a single housekeeping unit for the primary purpose of providing shelter.

Retail Sales - Sale of any product or merchandise to customers for their own personal consumption or use, not for resale.

Road - A street, lane, road or highway; a public or private right-of-way or easement which is designated as a permanent right-of-way of easement for common use as the primary means of vehicular access to properties abutting on it.

Roadside Stand - A structure for the display and sale of only farm products which are produced on the premises.

Roadway - That portion of a street which is used or intended to be used for the travel of motor vehicles.

Sanitary Land Fill - A facility permitted by the Illinois Environmental Protection Agency for the disposal of waste on land meeting the requirements of the Resource Conservation and Recovery Act, P.L. 94-580, and regulations thereunder, and without creating nuisances or hazards to public health or safety, by confining the refuse to the smallest practical volume and covering it with a layer of earth at the conclusion of each day's operation, or by such other methods and intervals as the Illinois Pollution Control Board may provide by regulations. (Amended 6-15-82).

Service Station, Filling Station, Gas Station - Any building or premises whose principal use is the dispensing, sale, or offering for sale at retail, of any motor vehicle fuel or oil. Open storage shall be limited to no more than four (4) vehicles stored for minor repair bearing current license plates. Such storage shall not permit the storage of wrecked vehicles except those awaiting insurance adjustment.

Setback - The minimum horizontal distance between a street line and the nearest wall of a building or side of a structure facing such street line or edge of the area of operation of a principal use when no building or structure is involved.

Established Setback - When forty (40) percent or more of the lots fronting on one (1) side of a street within a block are improved, the existing setbacks of such improved lots shall be the "established setback" for determining the depth of the required front yards for the remainder of the lots along such street frontage, as regulated in this Ordinance.

Signs - Any words, letters, figures, numerals, phrases, sentences, emblems, devices, trade names, or trademarks by which information is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street, highway or pedestrian way.

Advertising Sign (Off-Premise) - A sign which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold or offered for sale on the premises where such sign is located, or to which it is affixed.

Bulletin Sign - A sign having removable letters and figures and customarily illuminated which directs attention to a business, profession or public use conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.

Business Sign (On-Premise) - A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

Flashing Sign - An illuminated sign on which the artificial light is not maintained constant or stationary in intensity or color at all times when such sign is in use. For the purpose of this Ordinance, a revolving sign, or any advertising device which attracts attention by moving parts, operated by mechanical equipment or movement is caused by natural sources, whether or not illuminated with artificial lighting, shall be considered a flashing sign.

Gross Surface Area of Sign - The entire area within a single continuous perimeter enclosing the extreme limits of the actual surface of a single face sign. It does not include any structural elements lying outside the limits of such sign and not forming an integral part of the display. A double face or V type sign, erected on a single supporting structure where the interior angle does not exceed one hundred and thirty-five (135) degrees shall, for the purpose of computing square-foot area, be considered and measured as a single face sign; otherwise each display surface of a sign shall be considered a single sign.

Ground Sign - A sign which is supported by one (1) or more uprights or braces in or upon the ground.

Identification Sign - A sign which serves to identify the premises where a business or profession is conducted, or a commodity, service or entertainment is sold or offered.

Portable Sign - Any sign not designed to be permanently attached to a building or anchored to the ground; any sign that is not permanently affixed to a building, structure, or the ground, and is designed to be moved from place to place.

Projecting Sign - A sign which is affixed to any building wall or other structure and extends beyond the building wall or parts thereof or structure, more than eighteen (18) inches.

Roof Sign - A sign erected, constructed, and maintained above the roof of any building, including signs on roof surfaces for aviation direction or safety.

Special Signs and Advertising Devices - Political campaign signs, portable signs, time/temperature signs, message center signs, and attention-getting devices, including searchlights, pennants, banners, propellers, spinners, streamers, balloons, and similar devices or ornamentation designed for purposes of attracting attention, promotion, or advertising.

Wall Sign - A sign which is affixed to an exterior wall of any building, when sign shall project not more than eighteen (18) inches from the building wall or parts thereof.

Soil and Water Conservation District - Bureau County Soil and Water Conservation District, including the District Conservationist, the Chairman of the Bureau County Soil and Water Conservation District, and the District Board.

Stable (Riding or Livery) - A building or premises where horses are kept for hire.

Story - That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Stream - A stream is any continuously flowing natural water course.

Structural Alterations - Any change, other than incidental repairs, which would prolong the life of the supporting members of a building or structure, such as bearing walls or partitions, columns, beams, or girders; or any substantial change in the roof or exterior walls.

Structure - Anything constructed or erected with a fixed location on the surface of the ground or affixed to something having a fixed location on the surface of the ground. Among other things, structures include buildings, walls, swimming pools, fences, billboards, and signs.

Structure, Attached - A structure connected to another structure.

Structure, Detached - A structure not connected to another structure.

Structure, Main or Principal - The structure in or on which is conducted the main or principal use of the lot on which it is located, provided however, that a wind power facility turbine located in an Agriculture District shall not be deemed to be a “Structure, Main or Principal” for the purposes of this Ordinance.

Tavern - A building or part thereof where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

Thoroughfare - A street with a high degree of continuity which serves as an intrastate, an intracounty, or interstate highway or as an arterial trafficway between the various districts of Bureau County. It affords a primary means of access to abutting properties, except from thoroughfares classified as freeways or other limited access routes not containing frontage roads.

Transfer Station - A site or facility that accepts waste for temporary storage or consolidation and further transfer to a waste disposal, treatment, or storage facility. “Transfer station” includes a site where waste is transferred from (1) a rail carrier to a motor vehicle or water carrier; (2) a water carrier to a rail carrier or motor vehicle; (3) a motor vehicle to a rail carrier, water carrier or motor vehicle; (4) a rail carrier to a rail carrier, if the waste is removed from a rail car; or (5) a water carrier to a water carrier, if the waste is removed from a vessel (415 ILCS 5/3.83).

Transport Terminal - A building or premises used for the temporary storage and subsequent transfer of freight, materials, products, or bulk, brought to or from said building or premises by motor truck or railroad freight cars, including the business of truck or railroad transportation of freight, materials, products or bulk, and reshipment depots.

Use - The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained and shall include standards of this Ordinance.

Accessory Use - A use subordinate to the principal use and located on the same premises serving a purpose customarily incidental to the principal use. Residential accessory uses may include storage of household goods, parking areas, gardening, servants' quarters, private swimming pools and private emergency shelters.

Conditional Use (Special Uses) - Conditional Uses are synonymous with Special Uses and may include but are not limited to public and quasi-public uses affecting the public interest, uses that may have unique, special, or unusual impact upon the use or enjoyment of neighboring property, and planned developments. A use may be a permitted use in one (1) or more zoning districts and a special use in one (1) or more other zoning districts. Compliance with special standards not necessarily applicable to other permitted uses or uses in the district, may be required for a Conditional Use.

Permitted Use - A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and performance standards, if any, of such district.

Principal Use - The main use of land or buildings as distinguished from a subordinate or accessory use. It may be either a permitted or special use.

Utilities - Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulator stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

Variance - Permission to depart from the literal requirements of the Zoning Ordinance. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, or by reason of other extraordinary and exceptional situation or condition of such piece of property, the strict application of the regulations of this Zoning Ordinance would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property.

Yard - An open space on a lot which is unoccupied and unobstructed from its lowest level to the sky, except as otherwise provided in this Ordinance.

Corner Side Yard - A side yard which adjoins a street or thoroughfare.

Front Yard (Setback) - A yard which is bounded by both side lot lines and the front yard line or setback line and the front lot line bordering an existing or dedicated street or public way. The owner of a corner lot may select either street lot line as the front lot line.

Interior Side Yard - A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.

Rear Yard (Setback) - A yard which is bounded by side lot lines, rear lot line, and the rear yard line.

Side Yard (Setback) - A yard which is bounded by the rear yard line, front yard line, side yard line, and side lot line.

Zoning Board of Appeals - Bureau County Zoning Board of Appeals.

Zoning Enforcing Officer - Bureau County Zoning Enforcing Officer.

15.3 ENVIRONMENTAL PERFORMANCE STANDARDS DEFINITIONS

Closed Cup Flash Point (or similar test type) - The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will propagate a flame. The Tag closed cup tester shall be authoritative for liquids having a flash point below 175° F. The Pensky-Martens tester shall be authoritative for liquids having a flash point between 175° F and 300° F.

Decibel - A unit of measurement of the intensity or loudness of sound. Sound level meters employed to measure the intensity of sound are calibrated in decibels. A decibel is technically defined as twenty (20) times the logarithm to the base ten (10) of the ratio of the sound pressure in microbars to a reference pressure of 0.0002 microbar.

Displacement (Earth) - The amplitude or intensity of an earthborne vibration measured in inches. The displacement or amplitude is one-half (½) the total earth movement.

Earthborne Vibrations - A cyclic movement of the earth due to the propagation of mechanical energy.

Electric Distribution Center - A terminal at which electric energy is received from the transmission system and is delivered to the distribution system only.

Equivalent Opacity - The shade on the Ringelmann Chart that most closely corresponds to the density of smoke, other than black or gray.

Footcandle - A unit of illumination, equivalent to the illumination at all points which are one (1) foot distant from a uniform point source of one (1) candle power.

Free-burning - The rate of combustion of a material which burns actively and easily and supports combustion.

Frequency (Vibration and Sound) - Signifies the number of oscillations per second in a sound wave and in an index of the pitch of the resulting sound.

Impact Noise - A short-duration sound which is incapable of being accurately measured on a sound level meter.

Impulsive - Discrete vibration pulsations occurring no more often than one (1) per second.

Incombustible - A material which will not ignite nor actively support combustion during an exposure for five (5) minutes to a temperature of 1200° F.

Intense Burning - A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly. Examples: sawdust, magnesium (powder, flaked, or strips), rocket fuels.

Micron - A unit of length, equal to one thousandth (1/1000) part of one (1) millimeter (.001 millimeter).

Moderate Burning - A rate of combustion described by a material which supports combustion and is consumed slowly as it burns. Example: wood timber and lots.

Noxious Matter or Material - A material which is capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects of the physical or economic well being of individuals.

Octave Band - A prescribed interval of sound frequencies which classifies sound according to its pitch.

Octave Band Filter - An electronic frequency analyzer designed according to standards of the American Standards Association and used in conjunction with a sound level meter to take measurements of sound pressure level in specific octave bands.

Odorous Matter - Material, gas, liquid or solid that yields an odor.

Odor Threshold - The minimum concentration of odorous matter in the air that can be detected as an odor.

Particulate Matter - Material other than water which is suspended in or discharged into the atmosphere in a finely-divided form as a liquid or solid at outdoor ambient conditions.

Performance Standard - A criterion established to control smoke and particulate matter, noise, odorous matter, toxic matter, vibration, fire and explosion hazards, glare and radiation hazards generated by or inherent in uses of land or buildings.

Pre-1960 Octave Bands - The frequency intervals prescribed by the American Standards Association in ASA Standard 224, 10-1953, "Octave Band Filter Set."

Preferred Frequencies - A set of octave bands described by the band center frequency and standardized by the American Standards Association in ASA Standard No. S1.6-1960, "Preferred Frequencies for Acoustical Measurements."

Pyroporic Dust - A dust in a finely divided state that is spontaneously combustible in air.

Radiation Hazards - The deleterious and harmful effects of all ionizing radiation, which shall include all radiation capable of producing ions in their passage through matter. Such radiations shall include, but are not limited to, electro-magnetic radiations such as X-rays and gamma rays and particulate radiations such as electrons or beta particles, protons, neutrons and alpha particles.

Ringelmann Chart - The chart described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating the light-obscuring capacity of smoke/smoke density.

Ringelmann Number - The number of the area on the Ringelmann Chart that coincides most nearly with the visual density or equivalent opacity of the emission of smoke observed.

Slow-Burning - A rate of combustion which describes materials that do not in themselves constitute an active fuel for the spread of combustion. Example: wool, materials with fire-retardant treatments.

Smoke - Small gas-borne particles other than water that form a visible plume in the air. The visible discharge from a chimney, stack, vent, exhaust, or combustion processes which is made up of particulate matter.

Smoke Unit - The number obtained when the smoke density in the Ringelmann Number is multiplied by the time of emission in minutes. For the purpose of this calculation:

- (a) A Ringelmann density reading shall be made at least once a minute during the period of observation;
- (b) Each reading is then multiplied by the time in minutes during which it is observed; and
- (c) The various products are then added together to give the total number of "smoke units" observed during the entire observation period.

Sound Level - The intensity of sound of an operation or use as measured in decibels.

Sound Level Meter - An instrument for the measurement of sound pressure levels constructed in accordance with the standards of the American Standards Association and calibrated in decibels.

Three-Component Measuring System - A three-component measuring system is an instrument or complement of instruments which records earthborne vibrations, simultaneously in three (3) mutually perpendicular directions.

Toxic Matter - Materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Vibration - The periodic displacement, measured in inches, of earth at designated frequency - cycles per second.